

Serial No. 10/687,973
Amendment dated November 17, 2004
In Reply of Office Action dated June 17, 2004

REMARKS

The Office Action dated June 17, 2004 has been received and its contents carefully noted.

In view of the foregoing amendments and following representations. Reconsideration and allowance are respectfully requested.

Examiner Rhee is thanked for the courtesies extended undersigned counsel during the personal interview of October 29, 2004.

During that personal interview, Examiner Rhee and undersigned counsel discussed the possibility of various claim language to further define the claims, as filed, over the prior art of record. It was confirmed that the claims, as filed, were, indeed, definite, and that no amendments to the claims, as filed, would be made. Rather, undersigned counsel would point out in written arguments that published PCT application no. WO 96/02715 to Frech would have taught directly away from Applicant's claimed invention of reinforcing fibers being provided loosely in a reinforcement fiber package. Such was set forth in the English and German language Abstract of Frech which explained that "As against the prior art loose packaging" of synthetic fibers, the

Serial No. 10/687,973
Amendment dated November 17, 2004
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Frech invention would have taught fibers being wound into a bunch that made it possible for them to be in a reduced volume.

As to the June 17, 2004 Office Action, please note the following.

First, Examiner Rhee is requested to acknowledge receipt of the certified copy of Applicant's Belgium priority document, timely submitted on December 16, 2003, and Applicant's claim for foreign priority under 35 U.S.C. § 119.

As to the rejection of claims 1-35 under 35 U.S.C. § 103 over U.S. Patent No. 5,224,595 to Sugimoto et al. in view of published PCT application no. WO 96/02715 to Frech, such is respectfully traversed.

First, it should be noted that Applicant is unable to determine how Sugimoto et al. would have taught "a plurality of reinforcing fibers being provided loosely in the reinforcement fiber package (col. 5 lines 31-32)", as argued by Examiner Rhee on page 2, paragraph 3, of the Office Action. Applicant has found no basis for the Examiner's reasoning that a consideration of Sugimoto et al. would have taught such to a person having ordinary skill in the art.

Serial No. 10/687,973

Amendment dated November 17, 2004

In Reply of Office Action dated June 17, 2004

Second, as to the modifying reference to Frech, as discussed with the Examiner in the personal interview, it is respectfully submitted that Frech would have taught directly away from Applicant's claimed invention. Frech explicitly stated in the last sentence of the English language Abstract:

As against the prior art loose packaging of such synthetic fibers, this formation of the invention of fibres wound into a bunch makes it possible for them to be, for example, bagged, stored and transported in a considerably reduced volume.

Thus, it can be seen that the teachings of Frech are directly contrary to Applicant's claimed invention. Frech not only would have taught open ended packaging, unlike Applicant's claimed "closed reinforcement fiber package", but Frech would have taught that his invention was contrary to the prior art loose packaging.

Accordingly, quite simply, even if, for the sake of argument, Sugimoto would have taught loose fibers, it would not have been obvious to modify the Sugimoto et al. packaging in view of Frech, as Frech would have taught away from such; that is because Frech criticized loose packaging of fibers, and Applicant's claimed invention still would not have resulted.

As to the rejection of claim 6-8 under 35 U.S.C. over

Serial No. 10/687,973
Amendment dated November 17, 2004
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Sugimoto et al. modified in view of Frech, and still further modified in view of U.S. Patent No. 3,813,848 to Romagnoli, such is respectfully traversed. The Sugimoto et al. and Frech combination would have not been obvious in view of at least the arguments set forth immediately above regarding claims 1-5.

In addition, Frech would have taught directly away from chain packing, as Frech wanted a number of open ended bundles.

In addition, Sugimoto et al. likewise teaches a package of cement mixing material which has a variety of fibers and chemical agents depending on the characteristics of the concrete to be manufactured.

Quite simply, both Sugimoto et al. and Frech would have taught away from chain packing, as each is directed to individual packages, it being granted that Frech suggests the bagging of his number of bundles of fibers. See e.g., the Frech Abstract quoted above.

Applicant has added new claims 9-16 to provide the varied scope of protection to which Applicant is entitled.

In sum, the application is submitted to be in condition for allowance with claims 1-16, as no prima facie case of obviousness of applicant's claimed invention has been made.

Claims 1 and 6 are in independent form.

Serial No. 10/687,973
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Patent Office officials are authorized to charge our Deposit Account No. 19-2105 in the amount of \$430.00 for a two-month extension of time (large entity).

It is believed that no additional fee is due for this submission; however, should that determination be incorrect, the Examiner is hereby authorized to charge any deficiencies to our Deposit Account No. 19-2105, and notify the undersigned in due course.

This Amendment has been filed by fax transmission to 703-872-9306, as suggested by Examiner Rhee during the personal interview.

Should Examiner Rhee have any questions or wish to discuss further this matter, please contact Terrence Brown at 703-684-5600 to resolve such.

Respectfully submitted,

Date:

November 17, 2004 

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Serial No. 10/687,973

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CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on X November 17, 2004

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X 703-684-5600
Telephone Number